



15 1623  
Docket No.: C035795/0125237

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of :  
Jerome O. CANTOR, *et al*,

Serial No.: 09/863,849

Filed: May 23, 2001

For: **METHOD FOR TREATING  
RESPIRATORY DISORDERS**

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) Examiner: Michael C. Henry  
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) Art Unit: 1623  
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New York, New York  
January 31, 2007

**COMMUNICATION REGARDING OFFICE ACTION  
DATED AUGUST 2, 2006, BUT NEVER RECEIVED**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

On January 30, 2007, a colleague of undersigned counsel was reviewing a list of pending patent applications that are being prosecuting before the USPTO. Because our last response in this matter was filed in April 2006, and because we had not received any further actions from the PTO in this matter, a search was performed on the PAIR system of the USPTO. It was at that time we found that an Office Action had issued on August 2, 2006.

This morning, undersigned counsel telephoned Examiner Henry, explained (i) that we never received the Office Action, (ii) that we found through PAIR that an Office Action had issued on August 2, 2006, and (iii) that the six month date for

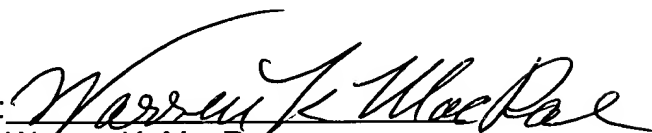
response is February 2, 2007. Accordingly, undersigned counsel stated to Examiner Henry that this communication would be filed today by facsimile, and requested Examiner Henry issue a new Office Action in this matter and restart the period for response.

In view of the foregoing facts, it respectfully is requested that a new Office Action be promptly issued for this application and that the period for response be restarted.

I hereby certify that this correspondence is being filed by the United States Postal Service with sufficient postage as first class mail in an envelope addressed on January 31, 2007 to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450, via facsimile to Examiner Henry at the United States Patent Office at 571-273-8300 and via e-mail.

  
Warren K. MacRae, Reg. No. 37,876

Respectfully submitted,

By:   
Warren K. MacRae  
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